

SECOND REGULAR SESSION

HOUSE BILL NO. 1319

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

3070H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 209.150, 209.200, and 209.204, RSMo, and to enact in lieu thereof three new sections relating to service dogs, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 209.150, 209.200, 209.204, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 209.150, 209.200, and 209.204, to read as follows:

209.150. 1. Every person with a visual, aural, or other disability, including diabetes, as **"disability"** is defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every person with a visual, aural, or other disability, including diabetes, as **"disability"** is defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Every person with a visual, aural, or other disability, including diabetes, as **"disability"** is defined in section 213.010, shall have the right to be accompanied by a guide dog, hearing dog, or service dog, **as defined in section 209.200**, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 pay an extra charge for the guide dog, hearing dog or service dog; provided that such person shall
17 be liable for any damage done to the premises or facilities by such dog.

18 4. As used in sections 209.150 to 209.190, the term "service dog" ~~[means any dog~~
19 ~~specifically trained to assist a person with a physical or mental disability by performing necessary~~
20 ~~tasks or doing work which the person cannot perform. Such tasks shall include, but not be~~
21 ~~limited to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an~~
22 ~~individual with a disability]~~ **shall have the same definition as in section 209.200.**

209.200. As used in sections ~~[209.200]~~ **209.150** to 209.204, not to exceed the provisions
2 of the Americans With Disabilities Act, the following terms shall mean:

3 (1) "Disability", as defined in section 213.010 including diabetes;

4 (2) "Service dog", a dog that is being or has been specially trained to do work or perform
5 tasks which benefit a particular person with a disability. Service dog includes but is not limited
6 to:

7 (a) "Guide dog", a dog that is being or has been specially trained to assist a particular
8 blind or visually impaired person;

9 (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular
10 deaf or hearing-impaired person;

11 (c) "Medical alert or ~~respond~~ **response** dog", a dog that is being or has been trained to
12 alert a person with a disability that a particular medical event is about to occur or to respond to
13 a medical event that has occurred;

14 (d) **"Mental health service dog" or "psychiatric service dog", a dog individually**
15 **trained for its owner who is diagnosed with a psychiatric disability, medical condition, or**
16 **developmental disability recognized in the most recently published Diagnostic and**
17 **Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with**
18 **difficulties directly related to the owner's psychiatric disability, medical condition, or**
19 **developmental disability;**

20 (e) "Mobility dog", a dog that is being or has been specially trained to assist a person
21 with a disability caused by physical impairments;

22 ~~[(e)]~~ (f) "Professional therapy dog", a dog which is selected, trained, and tested to
23 provide specific physical therapeutic functions, under the direction and control of a qualified
24 handler who works with the dog as a team as a part of the handler's occupation or profession.
25 Such dogs, with their handlers, perform such functions in institutional settings, community-based
26 group settings, or when providing services to specific persons who have disabilities.
27 Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in
28 visitation therapy;

29 ~~[(f)]~~ (g) "Search and rescue dog", a dog that is being or has been trained to search for or
30 prevent a person with a mental disability, including but not limited to verbal and nonverbal
31 autism, from becoming lost;

32 (3) "Service dog team", a team consisting of a trained service dog, a disabled person or
33 child, and a person who is an adult and who has been trained to handle the service dog.

209.204. 1. Any person who knowingly impersonates a person with a disability for the
2 purpose of receiving the accommodations regarding service dogs under the Americans with
3 Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall
4 also be civilly liable for the amount of any actual damages resulting from such impersonation.
5 Any second or subsequent violation of this section is a class B misdemeanor. For purposes of
6 this section, "impersonates a person with a disability" means a representation by word or action
7 as a person with a disability ~~[or a representation of a dog by word or action as a service dog]~~.

8 **2. No person shall knowingly misrepresent a dog as a service dog for the purpose**
9 **of receiving the accommodations regarding service dogs under the Americans with**
10 **Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section,**
11 **"misrepresent a dog as a service dog" means a representation by word or action that a dog**
12 **has been trained as a service dog as defined in section 209.200. Misrepresentation of a**
13 **service dog includes, but is not limited to:**

14 **(1) Knowingly creating documents that falsely represent that a dog is a service dog;**

15 **(2) Knowingly providing to another person documents falsely stating that a dog is**
16 **a service dog;**

17 **(3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar,**
18 **vest, or sign of the type commonly used by a person with a disability to indicate a dog is a**
19 **service dog; or**

20 **(4) Knowingly representing that a dog is a service dog if the dog has not completed**
21 **training to perform disability-related tasks or do disability-related work for a person with**
22 **a disability.**

23

24 **A person who violates this subsection is guilty of a class C misdemeanor and shall also be**
25 **civilly liable for any actual damages resulting from such misrepresentation. Any second**
26 **or subsequent violation of this subsection is a class B misdemeanor.**

27 **3. No person shall knowingly misrepresent any animal as an assistance animal for**
28 **the purpose of receiving the accommodations regarding assistance animals under the Fair**
29 **Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section**
30 **701, et seq. For purposes of this section an "assistance animal" is an animal whose**
31 **primary function is to provide emotional support to its owner and who is not trained as a**

32 service dog, as that term is defined in section 209.200. Misrepresentation of an assistance
33 animal includes, but is not limited to:

34 (1) Knowingly creating documents that falsely represent that an animal is an
35 assistance animal;

36 (2) Knowingly providing to another person documents falsely stating that an
37 animal is an assistance animal;

38 (3) Knowingly fitting an animal, if the animal is not an assistance animal, with a
39 harness, collar, vest, or sign of the type commonly used by a person with a disability to
40 indicate an animal is an assistance animal; or

41 (4) Knowingly and intentionally misrepresenting a material fact to a health care
42 provider for the purpose of obtaining documentation from the health care provider
43 necessary to designate an animal as an assistance animal. All documentation for an
44 assistance animal must be from a qualified professional as permitted under the Fair
45 Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section
46 701, et seq.

47

48 A person who violates this subsection is guilty of a class C misdemeanor and shall also be
49 civilly liable for any actual damages resulting from such misrepresentation. Any second
50 or subsequent violation of this subsection is a class B misdemeanor.

51 4. The Missouri commission on human rights as established in section 213.020 shall
52 use its existing complaint hotline to receive reports of individuals impersonating a person
53 with a disability, misrepresenting a dog as a service dog, or misrepresenting an animal as
54 an assistance animal. The commission shall refer an alleged violation of this act to the
55 appropriate law enforcement agency for investigation.

56 5. The governor's council on disability shall prepare and make available online a
57 placard suitable for posting in a front window or door, stating that service dogs are
58 welcome and that misrepresentation of a service dog is a violation of Missouri law, as well
59 as a brochure detailing permissible questions a business owner may ask in order to
60 determine whether a dog is a service dog, proper answers to those questions, and guidelines
61 defining unacceptable behavior.

62 6. The governor's council on disability shall prepare and make available online a
63 brochure for landlords and tenants regarding laws relating to service dogs, assistance
64 animals, and housing under federal and Missouri law.

✓